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APR 28 2004

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DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 3600

In re application of  
Jay Paul Drummond et al.  
Application No. 09/077,337  
Filed: May 27, 1998  
For: AUTOMATED BANKING MACHINE  
APPARATUS AND SYSTEM

**DECISION ON PETITION  
FOR WITHDRAWAL OF RESTRICTION  
REQUIREMENT UNDER  
37 C.F.R. § 1.144**

This is in reply to applicant's Petition To Withdraw Restriction Requirement under 37 CFR §1.144 filed July 10, 2001.


The petition is **DISMISSED AS MOOT**.


A review of the record reveals that a Restriction Requirement was made by the examiner in the Office Action mailed April 24, 2001. In response thereto, an election was made with traverse on May 23, 2001. The examiner subsequently made the restriction requirement final as set forth in the Office Action mailed June 19, 2001.

As per 37 CFR §1.144, after a final requirement for restriction, the applicant, in addition to making any reply due on the remainder of the action, may petition the Commissioner to review the requirement. The petition may be deferred until after final action on or allowance of claims to the invention elected, but must be filed not later than appeal. A petition will not be considered if reconsideration of the requirement was not requested (see 37 CFR §1.181).

A further review of the record reveals that applicant filed a request on January 30, 2004 to withdraw the petition filed July 10, 2001 order to expedite an appeal process associated with the elected claims.

The request filed January 30, 2004 to withdraw the petition filed July 10, 2001 is granted. Therefore, the petition to withdraw the restriction requirement filed July 10, 2001 is dismissed as moot.

  
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Director, Technology Center 3600  
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KJD/mjz: 4/12/04